

RECLAMATION REGULATIONS

1001. INTRODUCTION

a. **General.** The rules and regulations of this series establish the proper reclamation of the land and soil affected by oil and gas operations and ensure the protection of the topsoil of said land during such operations. The surface of the land shall be restored as nearly as practicable to its condition at the commencement of drilling operations.

b. **Additional requirements.** Notwithstanding the provisions of the 1000 Series rules, when the Director has reasonable cause to believe that a proposed oil and gas operation could result in a significant adverse environmental impact on any air, water, soil, or biological resource, the Director shall conduct an onsite inspection and may request an emergency meeting of the Commission to address the issue.

c. **Surface owner waiver of 1000 Series rules.** The Commission shall not require compliance with Rules 1002., 1003., 1004.a., b., or c.(1), (2), or (3), if the operator can demonstrate to the Director's or the Commission's satisfaction that compliance with such rules is not necessary to protect the public health, safety and welfare, including prevention of significant adverse environmental impacts, and that the operator has entered into an agreement with the surface owner regarding topsoil protection and reclamation of the land. Absent bad faith conduct by the operator, penalties may only be imposed for non-compliance with a Commission order issued after a determination that, notwithstanding such agreement, compliance is necessary to protect public health, safety and welfare. Prior to final reclamation approval as to a specific well, the operator shall either comply with the rules or obtain a variance under Rule 502.b. This rule shall not have the effect of relieving an operator from compliance with the 900 Series rules.

1002. SITE PREPARATION

a. Effective June 1, 1996:

(1) **Fencing of drill sites and access roads on crop lands.** During drilling operations on crop lands, when requested by the surface owner, the operator shall delineate each drillsite and access road on crop lands constructed after such date by berms, single strand fence or other equivalent method in order to discourage unnecessary surface disturbance.

(2) **Fencing of reserve pit when livestock is present.** During drilling operations where livestock is in the immediate area and is not fenced out by existing fences, the operator, at the request of the surface owner, will install a fence around the reserve pit.

(3) **Fencing of well sites.** Subsequent to drilling operations, where livestock is in the immediate area and is not fenced out by existing fences, the operator, at the request of the surface owner, will install a fence around the wellhead, pit and production equipment to prevent livestock entry.

b. **Soil removal and segregation.**

(1) **Soil removal and segregation on crop land.** As to all excavation operations undertaken after June 1, 1996 on crop land, the operator shall separate and store the various A, B, and C soil horizons separately from one another and mark or document stockpile locations to facilitate subsequent reclamation. When separating soil horizons, the operator shall segregate horizons based upon noted changes in physical characteristics such as color, texture, density or consistency. On crop land below the C horizon, the soil horizons shall also be segregated based on the above noted physical characteristics. Segregation will be performed to the extent practicable to a depth of six (6) feet or bedrock, whichever is shallower.

(2) **Soil removal and segregation on non crop land.** As to all excavation operations undertaken after July 1, 1997 on non crop land, the operator shall separate and store the A soil horizon or the top six (6) inches, whichever is deeper, and mark or document stockpile locations to facilitate subsequent reclamation. When separating the A soil horizon, the operator shall segregate the horizon based upon noted changes in physical characteristics such as color, texture, density or consistency.

(3) **Horizons too rocky or too thin.** When the soil horizons are too rocky or too thin for the operator to practicably segregate, then the topsoil shall be segregated to the extent possible and stored. Too rocky shall mean that the soil horizon consists of greater than thirty five percent (35%) by volume rock fragments larger than ten (10) inches in diameter. Too thin shall mean soil horizons that are less than six (6) inches in thickness. The operator shall segregate remaining soils on crop land to the extent practicable to a depth of three (3) feet below the ground surface or bedrock, whichever is shallower, based upon noted changes in physical characteristics such as color, texture, density or consistency and such soils shall be stockpiled to avoid loss and mixing with other soils.

c. **Protection of soils.** All stockpiled soils shall be protected from degradation due to contamination, compaction

compaction and, to the extent practicable, from wind and water erosion during drilling and production operations. Best management practices to minimize erosion and offsite sedimentation by controlling stormwater runoff shall be implemented.

d. **Drill pad location.** The drilling location shall be designed and constructed to provide a safe working area while reasonably minimizing the total surface area disturbed. Consistent with applicable spacing orders and well location orders and regulations, in locating drill pads, steep slopes shall be avoided when reasonably possible. The drill pad site shall be located on the most level location obtainable that will accommodate the intended use. Deep vertical cuts and steep long fill slopes shall be constructed to the least percent slope practical. Best management practices to minimize erosion and offsite sedimentation by controlling stormwater runoff shall be implemented.

e. **Surface disturbance minimization; stormwater management.** In order to reasonably minimize land disturbances and facilitate future reclamation, well sites, production facilities, gathering pipelines and access roads shall be located, constructed and maintained so as to reasonably control dust, minimize erosion, alteration of natural features and removal of surface materials. Best management practices to minimize erosion and offsite sedimentation by controlling stormwater runoff shall be implemented. These practices will vary with site specific conditions, such as slope, vegetative cover and proximity to water bodies, and may include silt fencing, straw bales, plant buffers, rock filter dikes, slope roughening, mulch and other measures designed to reduce erosion and minimize the transport of soil from disturbed areas.

f. **Access roads.** Existing roads shall be used to the greatest extent practicable to avoid erosion and minimize the land area devoted to oil and gas operations. Best management practices to minimize erosion and offsite sedimentation by controlling stormwater runoff shall be implemented. Where feasible and practicable, operators are encouraged to share access roads in developing a field. Where feasible and practicable, roads shall be routed to complement other land usage. To the greatest extent practicable, all vehicles used by the operator, contractors, and other parties associated with the well shall not travel outside of the original access road boundary. Repeated or flagrant instance(s) of failure to restrict lease access to lease roads which result in unreasonable land damage or crop losses shall be subject to a penalty under Rule 523.

1003. INTERIM RECLAMATION

a. **General.** Debris and waste materials other than de minimis amounts, including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand, plastic, pipe and cable, as well as equipment associated with the drilling, re-entry or completion operations shall be removed. All E&P waste shall be handled according to the 900 Series rules. All pits, cellars, rat holes, and other bore holes unnecessary for further lease operations, excluding the drilling pit, will be backfilled as soon as possible after the drilling rig is released to conform with surrounding terrain. On crop land, if requested by the surface owner, temporary guy line anchors shall be removed as soon as reasonably possible after the completion rig is released. When permanent guy line anchors are installed, it shall not be mandatory to remove them. When permanent guy line anchors are installed on cropland, care shall be taken to minimize disruption of cultivation, irrigation, or harvesting operations. If requested by the surface owner or its representative, the anchors shall be specifically marked, in addition to the marking required below, so as to facilitate farming operations. All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four (4) feet in height and not greater than one (1) foot east of the guy line anchor. Material may be burned or buried on the premises only with the prior written consent of the surface owner, and with prior written notice to the surface tenant. Such burning or burial may be prohibited by other applicable law.

b. **Interim reclamation of areas no longer in use.** All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations, shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust and minimize erosion. As to crop lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Interim reclamation shall occur no later than three (3) months on crop land or twelve (12) months on non-crop land after such operations unless the Director extends the time period because of conditions outside the control of the operator.

c. **Compaction alleviation.** All areas compacted by drilling and subsequent oil and gas operations which are no longer needed following completion of such operations shall be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.

d. **Drilling pit closure.** As part of interim reclamation, drilling pits shall be closed in the following manner:

(1) **Drilling pit closure on crop land.** On crop land water-based bentonitic drilling fluids, except de minimis amounts, shall be removed from the drilling pit and disposed of in accordance with the 900 Series rules. Drilling pit reclamation, including the disposal of drilling fluids and cuttings, shall be performed in a manner so as to not result in the formation of an impermeable barrier. Any cuttings removed from the pit for drying shall

be returned to the pit prior to backfilling, and no more than de minimis amounts may be incorporated into the surface materials. After the drilling pit is sufficiently dry, the pit shall be backfilled. The backfilling of the drilling pit shall be done to return the soils to their original relative positions.

(2) **Drilling pit closure on non-crop land.** All drilling fluids shall be disposed of in accordance with the 900 Series rules. After the drilling pit is sufficiently dry, the pit shall be backfilled. Materials removed from the pit for drying shall be returned to the pit prior to the backfilling. No more than de minimis amounts may be incorporated into the surface materials. The backfilling of the drilling pit will be done to return the soils to their original relative positions so that the muds and associated solids will be confined to the pit and not squeezed out and incorporated in the surface materials.

(3) **Minimum cover.** On crop lands, a minimum of three (3) feet of backfill cover shall be applied over any remaining drilling pit contents. As to both crop lands and non-crop lands, during the two (2) year period following drilling pit closure, if subsidence occurs over the closed drilling pit location additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable.

e. **Restoration and revegetation.** When a well is completed for production, all disturbed areas no longer needed will be restored and revegetated as soon as practicable.

(1) **Revegetation of crop lands.** All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be re-established.

(2) **Revegetation of non-crop lands.** All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the operator and the affected surface owner as to what seed mix should be used, the operator shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area. In an area where an operator has drilled or plans to drill multiple wells, in the absence of an agreement between the operator and the affected surface owner, the operator may rely upon previous advice given by the local soil conservation district in determining the proper seed mixes to be used in revegetating each type of terrain upon which operations are to be conducted.

f. **Weed control.** During drilling, production, and reclamation operations, all disturbed areas shall be kept reasonably free of noxious weeds and undesirable species as practicable.

1004. FINAL RECLAMATION OF WELL SITES AND ASSOCIATED PRODUCTION FACILITIES

a. **Well sites and associated production facilities.** Upon the plugging and abandonment of a well, all pits, mouse and rat holes and cellars shall be backfilled. All debris, abandoned gathering line risers and flowline risers, and surface equipment shall be removed within three (3) months of plugging a well. All access roads to plugged and abandoned wells and associated production facilities shall be closed, graded and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Well locations, access roads and associated facilities shall be reclaimed. As applicable, compaction alleviation, restoration, and revegetation of well sites, associated production facilities, and access roads shall be performed to the same standards as established for interim reclamation under Rule 1003. Material may be burned or buried on the premises only with the prior written consent of the surface owner, and with prior written notice to the surface tenant. Such burning or burial shall be subject to applicable state and local law. All such reclamation work shall be completed within three (3) months on crop land and twelve (12) months on non-crop land after plugging a well or final closure of associated production facilities. The Director may grant an extension where unusual circumstances are encountered, but every reasonable effort shall be made to complete reclamation before the next local growing season.

b. **Production and special purpose pit closure.** The operator shall comply with the 900 Series rules for the removal or treatment of E&P waste remaining in a production or special purpose pit before the pit may be closed for final reclamation. After any remaining E&P waste is removed or treated, all such pits must be backfilled to return the soils to their original relative positions. As to both crop lands and non-crop lands, if subsidence occurs over closed pit locations, additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable.

c. **Final reclamation threshold for release of financial assurance.** Successful reclamation of the well site and access road will be considered completed when:

(1) On crop land, reclamation has been performed as per Rules 1003. and 1004., and observation by the Director over two growing seasons has indicated no significant unrestored subsidence.

(2) On non-crop land, reclamation has been performed as per Rules 1003. and 1004., and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as determined by the Director through a visual appraisal. The Director shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.

(3) Disturbances resulting from flow line installations shall be deemed adequately reclaimed when the disturbed area is reasonably capable of supporting the pre-disturbance land use.

(4) A Sundry Notice, Form 4, has been submitted by the operator which describes the final reclamation procedures and any mitigation measures associated with final reclamation performed by the operator, and

(5) A final reclamation inspection has been completed by the Director, there are no outstanding compliance issues relating to Commission rules, regulations, orders, permit conditions or the act, and the Director has notified the operator that final reclamation has been approved.